

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.10457 OF 2006

ORDER:

This writ petition is filed to declare the highhanded action of the respondents in dispossessing the petitioners without following due process of law from the lands belonging to them for issuance of those lands as pattas to third parties, as illegal and arbitrary.

2. The case of the petitioners is that the first petitioner and his two brothers purchased orally an extent of Ac.2.52 cents in Survey No.39/6, Ac.0.40 cents in Survey No.39/4 (dry land) and Ac.1.30 cents in Survey No.55/1 (wet land) of Chittiboinapalle, Gurramkonda Mandal, Chittoor District in the year 1967, from the original owners viz., M/s.Sri K.G.Lakshmana Rao and K.Syam Rao of Gurramkonda and Madanapalle, by paying sale consideration. Since then, they have been in possession and enjoyment of the lands. The revenue authorities have also entered their names in the Adangal register showing them as enjoydars having absolute rights.

The second petitioner is in possession and enjoyment of the land to an extent of Ac.3.29 cents of dry land comprising of about 40 mango trees (20 years old) in Survey No.39/7 of Chittiboinapalle Village. The second petitioner purchased the said property from the first petitioner and his younger brother

Anwar Saheb and since then, she has been in possession and enjoyment of the property and her name is also shown in the Adangal register as enjoydar.

The third petitioner is in possession and enjoyment of the land to an extent of Ac.1.19 cents in Survey No.70/3, Ac.0.42 cents in Survey No.73/2, Ac.2.05 cents in Survey No.75/3 and Ac.2.25 cents in Survey No.75/2 of Chittiboinapalle Village, by purchasing the same through a registered Sale deed in the year 1998. The third petitioner and his brother are jointly enjoying the said property and their names are reflected in the adangals.

The fourth petitioner purchased the land to an extent of Ac.1.23 cents in Survey No.12-1 and Ac.0.72 cents in Survey No.11-6 from one Pokala Lakshmiddevamma W/o.Chinnappa in the year 1994 under a registered Sale deed. Later, he purchased Ac.2.23 cents in Survey No.72/7, Ac.1.28 cents in Survey No.72-6, Ac.1.16 cents in Survey No.73-3 of Chittiboinapalle Village from one Nakka Yashodamma in the year 1999 through an unregistered Sale deed, in the name of his wife Shareefunnisa and son Amjad Ali. Their names are also shown in the adangals as enjoydars. There are nearly 150 coconut trees in the aforesaid property.

The first respondent authorities tried to measure the land and when they enquired, the authorities told them that they are taking away their lands to assign them to the

landless poor persons. The petitioners stated that they are eking out their livelihoods only depending on the said lands. The highhanded action of the respondents in trying to dispossess the petitioners from their lands is violative of Articles 21 and 300(A) of the Constitution of India and the petitioners could not be dispossessed without following due process of law.

3. This Court, while admitting the writ petition on 25.05.2006, granted *status quo* in WPMP No.13113 of 2006.

4. The first respondent filed counter on behalf of the respondents stating that the lands in the village accounts of Chittiboyanapalle Village are classified as follows:

Survey No.	Total Extent	Classification
39-6		AWD
39-4		AWD
55-1		AWD
39-7		AWD
70-3		AWD
73-2	0.42	AWD
75-3		AWD
75-2		AWD
12-1		AWD
11-6		AWD
72-7		AWD
72-6		AWD
73-3		AWD
Total		

All the lands are vested with the Government and free from encumbrances under Section 3(b) of the E.A. Act, 1948 read with Section 3(16) of Estate Land Act, 1908 and also under Section 2-A of A.P. Inams (Abolition and Conversion into Ryotwari) Act, 1956. The petitioners have no right over the communal Government land. The Government is at

liberty to make use of the land for public purpose, such as grant of house site pattas to the weaker sections of people. It is further submitted that the petitioners have illegally encroached the subject lands. The petitioners cannot get any title over the Government land and all the transactions over the Government lands are null and void.

5. The learned counsel for the petitioners would contend that the petitioners have purchased the lands and they are in possession and enjoyment of the respective lands. The respondents cannot dispossess the petitioners highhandedly without due process of law. The learned counsel orally states that the petitioners were given pattas in respect of the lands in their possession and the petitioners could not be evicted from the lands.

6. The learned Assistant Government Pleader would contend that the lands are vested with the Government. The petitioners were illegally encroached the lands. The petitioners cannot claim right and title over the Government lands. The sale transactions are null and void in respect of the Government lands.

7. In the facts and circumstances of the case and in the considered view of this Court, it is found that the petitioners are in possession and enjoyment of their respective lands and their names are entered in the revenue records. Even in the counter, it is mentioned that the petitioners were encroached

the Government lands. The respondents could not take the law into their hands and the petitioners could not be dispossessed from the lands without following due process of law. Hence, the respondents are directed not to dispossess the petitioners without following due process of law.

8. Accordingly, the Writ Petition is disposed of. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

12-04-2018
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